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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,517	01/28/2000	Matthew Fuchs	16603-708	2359

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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

EXAMINER	
NGUYEN, MAIKHANH	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/493,517	FUCHS ET AL.	
	Examiner	Art Unit	
	Maikhanh Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-35* is/are pending in the application.

4a) Of the above claim(s) *1-13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Response to Restriction Requirement filed 01/05/2005 to the original application filed 01/2000.

2. Applicant's arguments to the restriction requirement filed 01/05/2005 is acknowledged. Upon further review by the examiner, the restriction is withdrawn and claims 14-35 are examined in the application. Claims 14, 25, and 31 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 25 remains rejected under 35 U.S.C. 102(a) as being anticipated by **W3C**, "XML Schema part 1: Structure", 06/05/1999, as cited by Applicant's IDS, filed 11/12/2002.

As to independent claim 25:

W3C teaches a computer network system for processing a document instance of a markup language *(e.g., XML documents; Section 2.1)*, the computer system comprising:

(i) defining a first schema in the computer network system *(e.g., The definition of an XML schema; section 4)*;

(ii) extending a definition the first schema by use of a second schema residing on the computer network system *(e.g., one schema can offer constructs for use in other schemas; section 4.3 & if some schema B includes features of schema A, and if schema C includes features of B, then C can also explicitly include the same features of schema A directly; section 4.4)*; and

(iii) importing the second schema into the document instance *(e.g., an external schema must be explicitly imported for use via a declaration at the head of the importing schema document; section 4.4).*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 14-17, 19-22, 26-31 and 35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **W3C.**

As to independent claim 14:

a. W3C teaches a method of extending a definition of a first tag used in a first electronic document, wherein the electronic document is encoded in a markup language *(e.g., XML document; Section 2.1)*, and the document is stored on a server in a computer network, the method comprising

(i) defining the first tag in a first schema, wherein the definition of the first tag includes a plurality of elements from the markup language *(e.g., an element type declaration associates a name with an Archetype Definition ... will appear in tags in instance document; section 3.4.9)*;

(ii) defining a second tag in a second schema, wherein a definition of the second tag includes the plurality of elements from the markup language *(e.g., an element type declaration associates a name with an Archetype Definition ... will appear in tags in instance document; section 3.4.9)* and additional element from the markup language (*e.g., expanding any entity references whose XML 1.0 declarations; section 6.2)*; and

(iii) accessing the first schema and second schema in the first electronic document *(e.g., XML schemas are themselves specified as XML documents ∴schema definition documents are accessed during processing; Section 2.1)*

b. While W3C teaching defining tags in schemas *(section 1.2)*, W3C does not explicitly teach using tags to encode text.

c. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied W3C's teaching to include "using tags to

encode text" in order to provide means for demarcating data content and data fields so that the content can be interpreted and manipulated.

d. The fact that W3C's teaching "*an XML 1.0 DTD may declare an element type as containing character data, elements, or mixed content" (Section 2.2)* and declaring an element type as containing character data, elements, or mixed content in W3C suggests using tags to encode text.

As to dependent claim 15:

a. W3C teaches parsing the first electronic document *(e.g., External parsed entities are a feature of XML; Section 3.6.2).* W3C, however, does not explicitly teach "storing on the server."

b. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied W3C's teaching to include "storing on the server" in order to provide means for accessing and manipulating XML schemas in a computer network system.

c. The fact that W3C's teaching's *"Schema-aware processors and provide for an external processing system to have access to the combined information set document instance plus schema information*" (Section 6.2.) and processing system to have access to the combined information set document instance plus schema information in W3C suggests storing on the server.

As to dependent claim 16:

W3C teaches the second tag is used in a location reserved for the first tag in the electronic document *(section 3.4.1).*

As to dependent claim 17:

W3C teaches the markup language is XML *(e.g., XML documents; section 2.1).*

As to dependent claim 19:

W3C teaches the first electronic document includes the first tag and the second tag *(e.g., Schema Definition; Sections 2.1 and 2.2).*

As to dependent claims 20-21:

Refer to discussion of claims 14-15 above for the rejection.

As to dependent claim 22:

It includes the same limitations as in claim 17, and is similarly rejected under the same rationale.

As to dependent claim 26:

It includes the same limitations as in claim 17, and is similarly rejected under the same rationale.

As to dependent claim 27:

W3C teaches the definition of the first schema includes a definition of a tag *(e.g., Schema Definition; Sections 2.1 and 2.2).*

As to dependent claim 28:

W3C teaches extending the definition of the tag by use of the second schema *(Section 4.3).*

As to dependent claim 29:

W3C teaches the document instance includes the tag *(e.g., Datatype Definition, Section 3.4.1).*

As to dependent claim 30:

W3C teaches using an extension of the tag in the document instance, wherein the extension of the tag is used in a location reserved for the tag in the document instance *(section 3.4.1)*.

As to independent claim 31:

a. W3C teaches a method of interpreting an XML document *(e.g., XML documents; Section 2.1)*, the method comprising:

   (i) accessing a first schema *(e.g., XML schemas are themselves specified as XML documents ...schema definition documents are accessed during processing; Section 2.1)*, wherein the first schema defines one or more elements used in the document instance *(e.g., Schema Definition; Sections 2.1 and 2.2)*;

   (ii) accessing a second schema *(e.g., XML schemas are themselves specified as XML documents ...schema definition documents are accessed during processing; Section 2.1)*,wherein the second schema modifies at least one element from the one or more elements used in the document instance *(e.g., extends the current schema with definitions and/or declarations from an external schema; Section 2.4 and 6.2)*.

b. W3C does not explicitly teach "*a first server, a second server, and a third server*". W3C, however, discloses *"Schema-aware processors and provide for an external processing system to have access to the combined information set document instance plus schema information.*" (Section 6.2.)

c. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied W3C's teaching to include "*a first server, a second server, and a third server*" in order to provide means for accessing and manipulating XML schemas in a computer network system.

d. The fact that W3C's teaching's *"Schema-aware processors and provide for an external processing system to have access to the combined information set document instance plus schema information*" (Section 6.2.) and the use of the schema-aware processors in W3C suggests servers.

As to dependent claim 35:

a. W3C teaches parsing the XML document *(e.g., External Parsed Entity Declaration; Section 3.6.2).*

b. W3C does not teach "a fourth server".

c. Refer to discussion of claim 31 above for rejection.

6. Claims 18, 23-24, and 32-34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **W3C** in view of **Usdin et al.** "XML: Not a Silver Bullet, But a Great Pipe Wrench", 09/1998.

As to dependent claim 18:

a. Usdin teaches the first document corresponds to at least one of a purchase order, a purchase order acknowledgement, an order status check, an availability check, a price check, an invoice, an invoice acknowledgement (XML/EDI ... *provides a standard framework/format to describe different types of data ... an invoices*

...the information, whether in a transaction, catalog ...by implementing EDI; page 130, second right paragraph).

b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Usdin in the system of 3WC because it would have provided the capability for using XML to encode information and services with meaningful structure and defining XML business documents that agents, as well as people, can understand easily.

As to dependent claim 23:

a. W3C does not explicitly teach "the second document corresponds to a commercial transaction."

b. Usdin teaches the second document corresponds to a commercial transaction *(page 130, second right paragraph).*

c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Usdin in the system of 3WC because it would have provided the capability for using XML to encode information and services with meaningful structure and defining XML business documents that agents, as well as people, can understand easily.

As to dependent claim 24:

It includes the same limitations as in claim 18, and is similarly rejected under the same rationale.

As to dependent claim 32:

a. W3C does not explicitly teach "the computer network system is used to conduct a commercial transaction between two or more trading partners."

b. Usdin teaches the computer network system is used to conduct a commercial transaction between two or more trading partners *(XML and E-Commerce; page 130).*

As to dependent claim 33:

Refer to discussion of claim 23 above for the rejection.

As to dependent claim 34:

It includes the same limitations as in claim 18, and is similarly rejected under the same rationale.

Response to Arguments

7. Applicant's arguments filed 09/14/2004 have been fully considered but they are not persuasive.

Applicant argues that *these new element definitions do not extend a definition of an element in the first schema as claimed.* (Remarks, page 11, 1st full para.)

In response, W3C's teachings "*one schema can offer constructs for use in other schemas; section 4.3 & if some schema B includes features of schema A, and if schema C includes features of B, then C can also explicitly include the same features of schema A directly; section 4.4*" meet the limitations as claimed by Applicant.

As to dependent claims 15-24, 26-30, and 32-35, the arguments are not persuasive for reason as discussed above with regards to independent claims 14, 25, and 31.

Conclusion

8. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (571) 272-4090.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
May 12, 2005

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER